

FILED ENTERED	RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 24 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	RECORDED

1      **GLENN RUDOLFSKY**  
 2      **KIM RUDOLFSKY**  
 3      2825 Shore Drive  
       Merrick NY 11566  
 4      skymick@mac.com  
       Phone 516-377-6599  
       Fax 516-377-6599  
 5      Mobile 808-755-5869  
       Defendants, *Pro Se*

**UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

8      MAX RUHLMANN AND ERIC SAMBOLD, CASE NO.: 2:14-cv-00879-RFB-NJK

9      Plaintiffs,

10     vs.

11     GLENN RUDOLFSKY, individually and DBA  
 12     HOUSE OF DREAMS KAUAI and HOUSE  
       OF DREAMS HAWAII; KIM D.  
 13     RUDOLFSKY, AKA KIM DAPOLITO,  
       individually; and DBA HOUSE OF DREAMS  
 14     KAUAI and HOUSE OF DREAMS HAWAII,

15     Defendants.

DEFENDANT'S MEMORANDUM  
REGARDING ORDER TO SHOW CAUSE  
FILED MAY 17, 2016**DEFENDANT'S MEMORANDUM REGARDING TO ORDER TO SHOW CAUSE**

18     Defendants, *pro se*, Glenn Rudolfsky ("Mr. Rudolfsky") and Kim Rudolfsky ("Mrs.  
 19     Rudolfsky") (collectively "Defendants"), hereby would like to respond to The Honorable U.S.  
 20     Magistrate Judge Nancy J. Koppe's Order To Show Cause, Doc No 63.

21     On September 29th, 2015, Tom Edwards, our attorney, suggested we seek new  
 22     representation. On Friday October 2<sup>nd</sup>, 2015, Mrs. Rudolfsky underwent a surgical procedure.  
 23     For the following week she was on heavy medication while Defendants' were handling the  
 24     transition from one attorney to the next. It was during that gap the 7-day period to schedule  
 25     discovery expired. Being between counsel, Defendants' were unaware of this deadline. On  
 26     October 8<sup>th</sup> we retained the counsel of Jay Young of Howard and Howard who reviewed our case  
 27     and proceeded with a Motion To Dismiss pursuant to the Statute Of Frauds, and for failure to  
 28     plead fraud with specificity. We relied on our Mr. Young to inform us of impending court  
       DEFENDANTS MEMORANDUM

1 informed by him that we had missed any. For that we humbly apologize and request the court not  
2 impose sanctions. We do not live in Nevada and since Mr. Young has withdrawn from  
3 representing us in this case, we have not been receiving court notices.  
4

5 As soon as the Defendants' realized that they weren't receiving court notices, Mr.  
6 Rudolfsky called the court and spoke with Ari Caytuero on Friday May 20th, 2016 to ask why  
7 we have not been receiving any documentation from the court. Upon his review he informed us  
8 he would be checking with Quality Control on Monday, May 23rd to look into a discrepancy. Ari  
9 said that an attorney named Robert Hernquist, an employee of Howard and Howard is listed as  
10 our counsel and all filings have been going to him, none of which have been forwarded to us.  
11 This is in contrast to the ORDER GRANTING Substitution, (Document No 61) signed on May  
12 3<sup>rd</sup>, 2016. (See Exhibit A)

13 On May 11<sup>th</sup> 2016, we received an email form Debbie Skillin in which opposing counsel  
14 Liz Foley wrote the following. (See Exhibit B)

15 *Dear Mr. and Mrs. Rudolfsky,*

16 *I enclosed for your review and signature a proposed Discovery Plan. Please  
17 indicate your preferences and sign and return at your earliest opportunity. If I do not  
18 hear back from you by May 16<sup>th</sup>, I will submit Plaintiff's own Discovery Plan to the Court.*  
19

20 The above email sent from Debbie Skillin did not contain the said attachment. We replied  
21 the next morning on May 12<sup>th</sup> informing her of the missing attachment and it was resent to us at  
22 4:35PM on that same day.

23 As Elizabeth Foley requested, we responded on May 15<sup>th</sup> at 6:55PM HST with the  
24 following email. We also asked for her to contact our attorney in Hawaii, Katherine Caswell with  
25 the hope of entering into settlement talks. (See Exhibit C)

26 *Aloha Elizabeth,*

27 *Thank you for your email.*

28 *Given the pending dispositive motion regarding the statute of frauds, we think a stay would be*

DEFENDANTS MEMORANDUM

1 appropriate. The Supreme Court has long mandated that trial courts should resolve civil  
2 matters fairly but without undue cost. Brown Shoe Co. v. United States, 370 U.S. 294, 306  
3 (1962). As you know, discovery is expensive. Would you stipulate to a stay until the court  
resolves the motion?

4 We remain open to settlement talks and would ask you to please contact Katherine Caswell,  
who is handling our Hawaii appeal.

5 Katherine Caswell can be reached at:

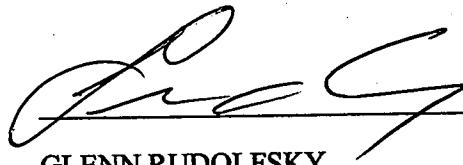
6 Attorney at Law  
7 4-831 Kuhio Hwy  
Suite 438, PMB 349  
8 Kapa'a, HI 96746  
9 Ph: (808) 255-6800  
Fax: (808) 441-0951  
10 Email: mykauaiattorney@gmail.com

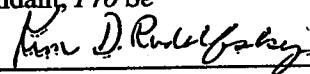
11 Elizabeth Foley did not set a deadline for a discovery plan, she simply stated "at your earliest  
12 convenience". We responded on May 15<sup>th</sup>, which was in accordance with her request. We asked  
13 Elizabeth Foley if she would stipulate to a stay of discovery and she did not reply.

14 In light of the circumstances outlined above and given the burden of representing  
15 ourselves Pro Se, we respectfully request to be granted a fair timeframe to prepare our Motion To  
16 Stay Discovery.

17 While we the defendants feel our position is one of virtue and factuality, it is our desire to  
18 negotiate a settlement or to mediate with the plaintiffs. Litigation is financially grueling, but the  
19 even greater cost is the emotional burden this has placed on our lives and family. We pray the  
20 plaintiffs also feel it would be in the best interest of all parties to explore a common ground and  
21 work towards an amicable resolution

22  
23 Dated this day of May 23rd, 2016.  
24



25  
26 GLENN RUDOLFSKY  
Defendant, Pro Se  
27   
28

KIM RUDOLFSKY  
Defendant, Pro S

DEFENDANTS MEMORANDUM

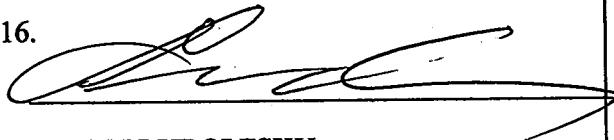
1  
2                   **CERTIFICATE OF SERVICE**  
3  
4

5 Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 23rd day of May, 2016, I caused the  
6 document entitled DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE, to be served  
7 upon the following, *via* United States Mail, at the below-listed address:  
8  
9

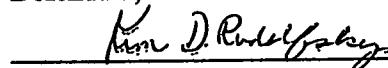
10                   Elizabeth J. Foley, Esq.  
11                   ELIZABETH J. FOLEY, LAWYER, LTD.  
12                   601 South Rancho Drive, Suite A-1  
13                   Las Vegas, Nevada 89106

14                   *Attorney for Plaintiffs*

15                   Dated this day of May 23rd, 2016.



16                   GLENN RUDOLFSKY  
17                   Defendant, *Pro Se*



---

18                   KIM RUDOLFSKY  
19                   Defendant, *Pro Se*

# EXHIBIT A

Case 2:14-cv-00879-RFB-NJK Document 61 Filed 05/03/16 Page 1 of 2

1 **HOWARD & HOWARD ATTORNEYS PLLC**

2 Jay Young, Esq.

3 Nevada Bar No. 5562

4 3800 Howard Hughes Pkwy., Suite 1000

5 Las Vegas, NV 89169

6 Telephone: (702) 257-1483

7 Facsimile: (702) 567-1568

8 E-mail: [jay@h2law.com](mailto:jay@h2law.com)

9 *Attorneys for Defendants*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MAX RUHLMAN and ERIC SAMBOLD,

13 Plaintiffs,

14 vs.

15 GLENN RUDOLFSKY, individually, and DBA  
16 HOUSE OF DREAMS KAUAI and HOUSE OF  
17 DREAMS HAWAII; KIM D. RUDOLFSKY,  
18 AKA KIM DAPOLITO, individually, and DBA  
19 HOUSE OF DRAMS KAUAI and HOUSE OF  
20 DREAMS HAWAII,

21 Defendants.

22 Case No. 2:14-cv-00879-RFB-NJK  
23 ORDER GRANTING  
24 SUBSTITUTION OF ATTORNEY  
25 FOR DEFENDANTS

26 Please take notice that Defendants Glenn Rudolfsky, individually, and d/b/a House of  
27 Dreams Kauai and House of Dreams Hawaii and Kim D. Rudolfsky a/k/a Kim Dapolito,  
28 individually, and d/b/a House of Dreams Kauai and House of Dreams Hawaii, hereby  
substitutes themselves, in place of Howard & Howard Attorneys PLLC, acting in propria  
persona, in this action. The contact information for the Defendants, pro se is as follows:

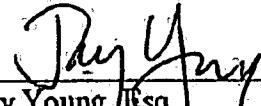
29 Glenn & Kim D. Rudolfsky  
30 HOUSE OF DREAMS KAUAI and  
31 HOUSE OF DREAMS HAWAII  
32 2825 Shore Drive  
33 Merrick, NY 11566  
34 Telephone: (808) 755-5869  
35 E-mail: [skymick@mac.com](mailto:skymick@mac.com)

# EXHIBIT A

Case 2:14-cv-00879-RFB-NJK Document 61 Filed 05/03/16 Page 2 of 2

1 DATED this 2 day of <sup>May</sup> April, 2016.

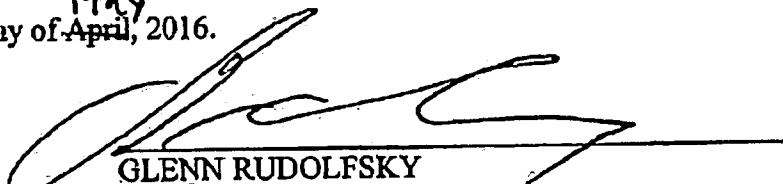
2 HOWARD & HOWARD ATTORNEYS PLLC

3   
4 Jay Young, Esq.  
5 Nevada Bar No. 5562  
6 3800 Howard Hughes Parkway, Suite 1000  
7 Las Vegas, NV 89169

8  
9 **CONSENT TO SUBSTITUTION**

10 Glenn Rudolfsky and Kim D. Rudolfsky do hereby accept the above and foregoing  
11 substitution of attorney for Defendants in the above-entitled matter.

12 DATED this 2 day of <sup>May</sup> April, 2016.

13   
14 GLENN RUDOLFSKY  
15   
16 KIM D. RUDOLFSKY

17  
18  
19 This motion to substitute is GRANTED. The motions to withdraw as attorney  
20 (Docket Nos. 54, 55) are DENIED as moot. The hearing set for May 9, 2016,  
21 is VACATED.

22 IT IS SO ORDERED.

23 Dated: May 3, 2016

24   
United States Magistrate Judge

# EXHIBIT B

1  
2           **ELIZABETH J. FOLEY**  
3

4           FOLEY LAW CENTER  
5           601 South Rancho Dr., Suite A-1  
6           Quail Park II  
7           Las Vegas, Nevada, 89106  
8           Phone: (702) 363-2323 Facsimile: (702) 380-4035  
9           Also admitted in Colorado & Washington, D.C.

10           May 10, 2016

11           *Via Priority Mail and email*

12           Glenn and Kim Rudolfsky  
13           House of Dreams Kauai  
14           House of Dreams Hawaii  
15           2825 Shore Drive  
16           Merrick, New York 11566

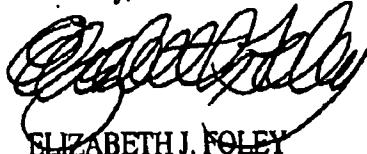
17           Re: Case No.: 2:14-cv-00879-RFB-NJK

18           Dear Mr. and Mrs. Rudolfsky,

19           I enclose for your review and signature a proposed Discovery Plan. Please indicate your  
20           preferences and sign and return at your earliest opportunity. If I do not hear back from you by  
21           May 16, 2016, I will submit Plaintiff's own Discovery Plan to the Court.

22           Thank you for your anticipated courtesy and cooperation. Please respond to  
23           efoley.paralegal@gmail.com.

24           Sincerely,

25             
26           ELIZABETH J. FOLEY

# EXHIBIT C

1  
2     **From:** Glenn Rudolfsky  
3     **Subject:** Discovery  
4     **Date:** May 15, 2016 6:55:21 PM HST  
5     **To:** Debbie Skillin

Hide

Sent - iCloud

6  
7     Aloha Elizabeth,

8     Thank you for your email.

9  
10    Given the pending dispositive motion regarding the statute of frauds, we think a stay would be  
11    appropriate. The Supreme Court has long mandated that trial courts should resolve civil matters fairly  
12    but without undue cost. Brown Shoe Co. v. United States, 370 U.S. 294, 306 (1962). As you know,  
13    discovery is expensive. Would you stipulate to a stay until the court resolves the motion?

14  
15    We remain open to settlement talks and would ask you to please contact Katherine Caswell, who is  
16    handling our Hawaii appeal.

17  
18    Katherine Caswell can be reached at:

19  
20    Attorney at Law  
21    4-831 Kuhio Hwy  
22    Suite 438, PMB 349  
23    Kapa'a, HI 96746  
24    Ph: (808) 255-6800  
25    Fax: (808) 441-0951  
26    Email: [mykauaiattorney@gmail.com](mailto:mykauaiattorney@gmail.com)

27  
28    With Aloha,

29  
30    

31    MOBILE - 808.755.5869

**Y**  **IN THE U.S.**

CUSTOMER USE ONLY  
FROM: (PLEASE PRINT)

PHONE 516.322-6595  
Glenn & Kim Rudofsky  
2825 Shore Drive  
Merrick NY 11566

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; or 2) Purchases COD service; or 3) Purchases COD service OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options  
 No Saturday Delivery Required (additional fee, where available)  
 Sunday/Holiday Delivery Required (additional fee, where available)  
 10:30 AM Delivery Required (additional fee, where available)  
 Refer to USPS.com or local Post Office™ for availability.

TO: (PLEASE PRINT)

US DISTRICT COURT  
DISTRICT OF NEVADA  
CLERKS OFFICE  
333 Las Vegas Blvd South  
Las Vegas NV 89101  
ZIP + 4 (U.S. ADDRESSES ONLY)  
89101

PHONE (

INTERNATIONALLY,  
DECLARATION  
RE REQUIRED.

322.95

ACCEPTEES/EMPLOYEE INITIALS  
John C.  
Lbs. ozs.

DELIVERY (POSTAL SERVICE USE ONLY)  
Delivery Attempt (MM/DD/YY) Time AM PM  
Employee Signature

Delivery Attempt (MM/DD/YY) Time AM PM  
Employee Signature

LABEL 11-B, SEPTEMBER 2015 PSN 7690-02-000-9996  
3-ADDRESSEE COPY

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 Insurance Included.

R2303S103504-21

89101

E1341815621US



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PRIORITY  
MAIL \*  
EXPRESS™  
UNITED STATES  
POSTAL SERVICE®

<input type="checkbox"/> ORIGIN (POSTAL SERVICE USE ONLY)		<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
From Zip Code	Scheduled Delivery Date (MM/DD/YY)	Postage	Insurance Fee	COD Fee
11566	5/24/16	\$ 22.95	\$	\$
Date Accepted (MM/DD/YY)	Scheduled Delivery Time			
5/25/16	10:30 AM 12 NOON 10:30 AM Delivery Fee			
Time Accepted	Flat Rate			
11:00 AM	\$ 22.95			
Weight	lbs. ozs.			
		Total Postage & Fees		
		\$ 22.95		

<input type="checkbox"/> DELIVERY (POSTAL SERVICE USE ONLY)		<input type="checkbox"/> Employee Signature
Delivery Attempt (MM/DD/YY)	Time AM PM	

# URGENT

A circular arrangement of words in a spiral pattern, starting from the top and moving clockwise. The words are: District, Center, Nadera, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th.